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1909

Colorado Springs, Col.— Charter

THE CHARTER

OF

THE CITY OF COLORADO SPRINGS

FRAMED BY THE CHARTER CONVENTION

BY AUTHORITY OF ARTICLE XX OF THE CONSTITUTION

ADOPTED MAY 11, 1909

Colorado Springs, Colo.--Charters

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OFFICERS AND MEMBERS
OF
THE CHARTER CONVENTION
OF
THE CITY OF COLORADO SPRINGS

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Vice-President	JAMES J. EUBANK
Secretary	EDWARD C. SHARER
Assistant Secretary	GEORGE M. IRWIN
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PREFATORY SYNOPSIS

The Charter Convention, elected on January 19, 1909, submitted to the voters for approval, a draft of the Charter for the City of Colorado Springs, which was adopted at an election held May 11, 1909.

The Charter provides that the legislative, executive and judicial powers of the City shall extend to all matters of local and municipal government. The City is granted all the powers, privileges and functions which are granted by the constitution or laws of this State to any city of the first class. The powers of the City are vested in the elective officers, the Mayor and four Councilmen, elected at large for four year terms and subject to recall.

The legislative powers of the City are vested in the Council, except as reserved to the people by the provisions as to initiative and referendum.

The executive and administrative power, authority and duty of the City are distributed among five departments:

Department of Water and Water Works,
Department of Finance,
Department of Public Safety,
Department of Public Works and Property,
Department of Public Health and Sanitation.

The Mayor is named as the Commissioner of Water and Water Works. The Council designates by majority vote one Councilman to be Commissioner of each of the other departments.

The Mayor is made the chief executive officer of the City and upon the recommendation of the Commissioner of the appropriate department, appoints the heads of such department and all other employes in the service of the City. He is allowed to suspend or remove any officer or employe when, in his judgment, the public interests demand.

The Charter seeks to preserve every valuable feature of the laws of the State of Colorado, and has only introduced such new methods or machinery as after careful consideration were deemed advisable and necessary in the assumption of home rule.

A complete, non-partisan system for the election of municipal officers has been provided.

Adequate provision for Civil Service has been made.

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Special attention is called to the provisions made for the administration of the Water Department, and the refunding of outstanding water bonds.

The rights of the City are carefully guarded in the matter of public franchises and utilities. The Charter retains in the people the right to control public utilities, and requires that provision shall be made in every franchise hereafter granted permitting the City to purchase at a fair valuation such public utilities whenever the people shall deem it best so to do and vote in favor thereof.

The contents are arranged as follows:

Article I.	Name, Boundaries, Powers, Rights and Liabilities.
Article II.	Elective Officers.
Article III.	The Council.
Article IV.	The Mayor.
Article V.	Executive and Administrative Departments.
Article VI.	Department of Water and Water Works.
Article VII.	Department of Finance.
Article VIII.	Department of Public Safety.
Article IX.	Department of Public Works and Property.
Article X.	Department of Public Health and Sanitation.
Article XI.	Commissions and Boards.
Article XII.	Franchises and Public Utilities.
Article XIII.	Elections.
Article XIV.	Recall of Elective Officers.
Article XV.	The Initiative.
Article XVI.	The Referendum.
Article XVII.	Officers, Employes and Salaries.
Article XVIII.	Civil Service.
Article XIX.	General Provisions.

THE CHARTER OF THE CITY OF COLORADO SPRINGS

PREAMBLE.

We, the people of the City of Colorado Springs, under the authority of the Constitution of the State of Colorado, do ordain and establish this Charter for the City of Colorado Springs.

ARTICLE I.

NAME, BOUNDARIES, POWERS, RIGHTS AND LIABILITIES.

1. *Name—Boundaries.*—The municipal corporation now existing and known as the "City of Colorado Springs," shall remain and continue to be a body politic and corporate under the same name and with the same boundaries, with power and authority to change its boundaries in manner authorized by law.

2. *Powers—Rights—Liabilities.*—(*a*) By the name of the "City of Colorado Springs," the City shall have perpetual succession, and shall own, possess and hold all property, real and personal, theretofore owned, possessed or held by the said City of Colorado Springs, and shall assume, manage and dispose of all trusts in any way connected therewith;

(*b*) Shall succeed to all the rights and liabilities, and shall acquire all benefits, and shall assume and pay all bonds, obligations and indebtedness of said City of Colorado Springs; by that name may sue and defend, plead and be impleaded, in all courts and places, and in all matters and proceedings; may have and use a common seal and alter the same at pleasure; may purchase, receive, hold and enjoy, or sell and dispose of, real and personal property;

(*c*) May receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for public, charitable or other purposes; and do all things and acts necessary to carry out the purpose of such gifts, bequests and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or donation;

(*d*) Shall have the power, within or without its territorial limits, to construct, condemn and purchase, purchase, acquire, lease, add to, maintain, conduct and operate, waterworks, light plants, power plants, transportation systems, heating plants, and any other public utilities or works or ways local in use and extent, in whole or in part, and everything required therefor, for the use of said City and the inhabitants thereof, and any such systems, plants or works or ways, or any contracts in relation or connection therewith, that may exist and which said City may desire to purchase, in whole or in part, the

same or any part thereof may be purchased by said City which may enforce such purchase by proceedings at law as in taking land for public use by right of eminent domain, and shall have the power to issue bonds upon the vote of the taxpaying electors, at any special or general election, in any amount necessary to carry out any of said powers or purposes;

(*e*) The legislative, executive and judicial powers of the City shall extend to all matters of local and municipal government, it being the intent hereof that the specifications of particular powers by any other provision of this Charter, shall never be construed as impairing the effect of the general grant of powers of local government hereby bestowed;

(*f*) The City shall also have all powers, privileges and functions which, by or pursuant to the Constitution of this State, have been or could be granted to or exercised by any City of the first class;

(*g*) All powers of the City shall, except as otherwise provided in this Charter, be vested in the elective officers, subject to distribution and delegation of such powers as provided in this Charter or by ordinance.

ARTICLE II.

ELECTIVE OFFICERS.

3. *Officers—Terms.*—The elective officers of the City shall be a Mayor and four Councilmen, each of whom shall be elected at large by the qualified electors of the City. The term of all elective officers, except as otherwise provided herein, shall commence at 10 o'clock a. m. on the first secular day of May following their election, and, except as otherwise provided herein, shall be for four years and until their successors are elected and qualified; *provided, however,* that of the four Councilmen first elected under this Charter, the term of the two receiving the highest number of votes shall be for four years, and the term of the other two shall be for two years; and *provided further,* that the terms of the elective officers first elected under this Charter shall commence at 10 o'clock A. M. on the third Tuesday following the first general municipal election held under this Charter and shall end at 10 o'clock A. M. of the first secular day of May following the election of their successors.

4. *Qualifications.*—No person shall be eligible to the office of Mayor or Councilman unless he be a citizen of the United States, at least twenty-five years of age, and shall have been for five years immediately preceding such election a citizen of the City of Colorado Springs, and for two years immediately preceding his election shall have paid City taxes.

5. *Vacancy.*—If a vacancy occur in the office of Mayor or Councilman, the Council shall appoint an eligible person to fill such vacancy until the next general municipal election, subject to the provisions of Article XIV. Any vacancy shall be then filled by election for the unexpired term.

Vacancy shall exist when an elective officer fails to qualify for ten days after notice of his election, dies, resigns, is removed from office, removes from the City, absents himself continuously therefrom for more than six months, is convicted of a felony or judicially declared a lunatic as defined by statute.

6. *Removal.*—In case of misconduct, inability or willful neglect in the performance of the duties of his office, the Mayor or any Councilman may be removed from office by the Council by a vote of four members, but he shall be given an opportunity to be heard in his defense, and shall have the right to appear by counsel and to have process issue to compel the attendance of witnesses who shall be required to give testimony if he so elects. In such case the hearing shall be public and a full and complete statement of the reasons for such removal, if he be removed, together with the findings of fact as made by the Council, shall be filed by the Council with the Clerk, and shall be and become a matter of public record.

ARTICLE III.

THE COUNCIL.

7. *Legislative Powers.*—All legislative powers of the City shall, except as otherwise provided by this Charter, be vested exclusively in a Council, which shall consist of the Mayor and four Councilmen.

8. *President and Vice-President of Council.*—The Mayor shall be President of the Council, and, when present, shall preside at all meetings. The Council shall elect one of its number to be Vice-President, who, during the absence or disability of the Mayor, or while any vacancy exists in the office of the Mayor, shall possess all of the powers and perform all of the duties of the Mayor, except that he shall not have any power of removal.

9. *Judge of Their Elections.*—The Council shall be the judge of the election and qualification of its own members, subject to review by the courts, in case of contest.

10. *Restrictions Upon Members of the Council.*—No member of the Council shall hold any other public office or employment, compensation for which is paid out of municipal moneys. No person shall be elected or appointed to any office, position or employment, the compensation which was increased or fixed by the Council while he was a member thereof, until after the expiration of one year from the date when he ceased to be a mmber of the Council.

11. *Rules of the Council.*—The Council shall determine its own rules of procedúre, may punish its members for disorderly conduct, and may compel the attendance of members.

12. *Meetings of the Council.*—The Council shall prescribe the time and place of its meetings, and the manner in which special meetings thereof may be called.

The City Clerk shall be the Clerk of the Council, and shall, with the Mayor, sign and attest all ordinances and resolutions.

A majority of the members of the Council shall constitute a quorum to do business, but a less number can adjourn. The Council shall sit with open doors at all legislative sessions. and shall keep a journal of its proceedings, which shall be a public record.

13. *Ordinances and Resolutions.*—(*a*) At legislative sessions the Council shall act only by ordinance, resolution or motion.

(*b*) The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of its proceedings. Upon the request of any member, the ayes and noes shall be taken and recorded upon any motion. Every member when present must vote, and every ordinance shall require on final passage, the affirmative vote of three members.

(*c*) No ordinance shall be passed finally on the date it is introduced, except in the case of public emergency, and then only when requested by the Mayor in writing. No ordinance making a grant of any franchise or special privilege shall ever be passed as an emergency measure.

(*d*) The enacting clause of all ordinances passed by the Council shall be in these words: "Be it Ordained by the City Council of the City of Colorado Springs;"

(*e*) Every ordinance shall be published once in full in a daily newspaper of the City at least ten days before its final passage.

14. *Publication of Ordinance Adopted.*—Every ordinance adopted shall be published once in a daily newspaper of the City and shall not take effect until five days after such publication, except emergency ordinances passed as provided in this Article, which shall take effect upon passage and be so published on the following day, subject always to the provisions of Article XVI.

15. *Amendment or Repeal.*—No ordinance or section thereof shall be amended or repealed except by ordinance adopted in the manner provided in this Charter.

16. *Ordinances Granting Franchises.*—No proposed ordinance granting any franchise shall be put upon its final passage within sixty days after its introduction, nor until it has been published not less than once a week for six consecutive weeks in two daily newspapers of general circulation published in the City.

17. *Record of Ordinances.*—A true copy of every ordinance shall be kept in a book marked "Ordinance Record," and authenticated by the signatures of the Mayor and Clerk.

18. *Proof of Ordinances.*—Any ordinance may be proved by a copy thereof certified by the Clerk, under the seal of the City; or when printed in book or pamphlet form and purporting to be published by the authority of the City, the same shall be received in evidence in all Courts, or other places, without further proof.

19. *Publication of Charter and Ordinances.*—The Council shall, as speedily as may be, and in any event within two years from the time of its organization under this Charter, and from time to time thereafter, cause all ordinances at such times in force to be classified under appropriate heads, and to be published in book form, together with or separate from the Charter, and such provisions of the Constitution and laws of the State as the Council may deem expedient.

20. *Power to Establish Offices.*—The Council shall, consistent with the provisions of this Charter, establish any office, position or employment that may in its opinion be necessary or expedient, and fix the salary and duties thereof. It may at any time abolish the same, whereupon the salary attached thereto shall cease.

21. *Statements.*—The Council shall cause to be printed each month in pamphlet form a detailed statement of all receipts and expenditures of the City and a summary of its proceedings during the preceding month and furnish printed copies thereof to the public library, the daily newspapers of the City and to persons who shall apply therefor at the office of the Clerk. Said statement shall also show the amount of water used during the preceding month and the amount of reserve water in storage at the end of that month.

22. *Vote of Council on Appointments.*—All votes upon appointments shall be by roll call and recorded. The vote of three members shall be necessary for appointment.

ARTICLE IV.

THE MAYOR.

23. *Duties—Authority—Powers.*—(*a*) The Mayor shall be the chief executive officer of the City.

(*b*) He shall take care that this Charter, the laws of the State and the ordinances of the City are duly enforced within the City and its jurisdiction. He may remit fines, costs, forfeitures and penalties imposed for the violation of any ordinance, but shall make a report of such remissions to the Council at the next meeting thereafter with his reasons therefor. He shall have power to administer oaths.

(*c*) He shall sign all contracts, bonds or other instruments requiring the assent of the City and take care that the same are duly performed. All legal process against the City shall be served upon the Mayor or Acting Mayor.

(*d*) He shall be charged with the general oversight of all departments, boards and commissions of the City.

(*e*) He shall be ex-officio a member of each board, commission or body created or authorized by this Charter, or by any ordinance of the City.

(*f*) He shall have the right to vote on all questions coming before the Council.

(*g*) He shall have power to appoint experts to examine the affairs of any officer or department of the City, whenever he shall deem it necessary.

(*h*) He may require any officer or employe of the City to exhibit his books and papers. Failure or refusal to exhibit books or papers so required shall be ground for removal.

(*i*) He shall have and exercise such powers, prerogatives and authority as are conferred by the provisions of this Charter, or as may be conferred upon him by the Council, or by the general laws of the State, not inconsistent with the general purposes and provisions of this Charter.

(*j*) He shall appoint all officers and employes of the City whose election or appointment is not otherwise expressly provided for in this Charter.

(*k*) He shall, upon the recommendation of the Commissioner of the appropriate department, appoint such heads of departments, deputies and principal assistants as may be created by this Charter or by ordinance.

(*l*) He shall, upon like recommendation, appoint all other officers or employes in the service of the City, except day laborers and unskilled workmen, and except as in this Charter otherwise expressly provided. The Commissioner may suspend any officer or employe in his department for a period not exceeding ten days, and the Mayor may suspend or remove any officer or employe for cause, whenever in his judgment the public interests demand or will be better subserved thereby; and no officer whose office, position or employment, is created by ordinance shall hold the same for any fixed term, but shall always be subject to removal by the Mayor. In case of such removal, if the officer or employe so removed requests it, the Mayor shall file in the office of the Clerk a written statement of the reason for which the removal was made. The Council, by the affirmative vote of four members, may remove any of said officers or employes.

(*m*) He shall employ for a stipulated compensation, at the beginning of each fiscal year, a certified public accountant, who shall examine, at least twice each year, the books, records and reports of the Treasurer and of all officers and employes who receive or disburse City moneys, and the books, records and reports of such other officers and departments as the Mayor may direct and make triplicate reports thereof, and present one each to the Mayor and Treasurer, and file one with the Clerk. Such accountant shall have unlimited privilege of investigation to examine under oath or otherwise all officers, clerks and employes of the City, and every such officer, clerk and employe shall give all required assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested, and failure to do so shall be ground for removal. The Council shall provide for the payment of the services of such accountant.

24. *Veto Power.*—In ordinances making appropriations, the Mayor may veto any or every item therein, but such veto shall only extend to the items so vetoed, and those which he approves shall become effective, and those which he disapproves shall not become effective, unless passed over his veto by the vote of four (4) members of the Council.

ARTICLE V.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS.

25. *Distribution.*—The executive and administrative powers, authority and duties of the City, not otherwise herein provided for, shall be distributed among five departments, as follows:

Department of Water and Water Works,
Department of Finance,
Department of Public Safety,
Department of Public Works and Property,
Department of Public Health and Sanitation.

26. *Council Assign Duties.*—The Council shall determine and assign the duties of the several departments; shall prescribe the duties of officers and employes; may assign particular officers and employes to one or more of the departments; may require an officer or employe to perform duties in two or more departments, and may make such other rules and regulations as may be deemed necessary or proper for the efficient and economical conduct of the business of the City.

27. *Commissioners of Departments.*—The Mayor shall be the Commissioner of Water and Water Works. The Council, at its first regular meeting after the election of its members, shall designate by majority vote one Councilman to be Commissioner of Finance, one to be Commissioner of Public Safety, one to be Commissioner of Public Works and Property, and one to be Commissioner of Public Health and Sanitation; *provided, however,* that if the Council is unable to agree upon such designation, the Mayor shall have the authority to make such designation.

28. *Council May Change Designation.* — The Council may change such designation (except that of the Department of Water and Water Works) by ordinance, or by resolution, whenever it shall determine that the public service requires such change.

29. *Commissioner May Employ or Discharge.*—The Commissioner for each of the departments shall have the supervision and control of all the affairs and property belonging to such department, except as otherwise provided in this Charter, or by ordinance, subject to such regulations as may be prescribed by the Council. He may employ and discharge or delegate to any subordinate the power to employ and discharge day laborers and unskilled workmen.

ARTICLE VI.

DEPARTMENT OF WATER AND WATER WORKS.

30. *Department an Entity.*—The Department of Water and Water Works shall embrace all property, rights and obligations of the City in respect of water and water works, and shall insofar as practicable be administered as an entity. To that end all contracts, records and muniments of title pertaining thereto shall be assembled and carefully preserved, and accounts shall be kept of its assets, liabilities, receipts and disbursements, separate and distinct from the accounts of any other department. Its revenue shall be so applied that as far as possible the department shall be self-sustaining.

31. *Commissioner Administer Department.*—The Commissioner of Water and Water Works is charged with the administration of said department. He shall appoint all such officials, assistants and skilled employes as may be necessary, and may secure the services or advice of hydraulic engineers, special counsel and other experts for such compensation as may be approved by the Council. He shall take care that the water supply of the City is preserved from impairment or pollution and seasonably augmented so as to assure at all times a supply of potable water adequate for the growing needs of the City. To that end he shall cause comparative investigation to be made of all available reservoir sites and sources of such water supply and report thereon to the Council with his recommendations. He shall also prepare and submit to the Council measures for the storage and augmenting of the City's supply of water for ditch and irrigation purposes. He shall cause adequate water measurements and tests to be made and record thereof preserved.

32. *Commissioner Fix Rates—Council Impose Fines.*—He shall with the approval of the Council expressed by resolution, fix rates and establish regulations for the use of water by consumers and regulations for the orderly administration of the department. The Council shall by ordinance impose fines and penalties for the violation of any of said regulations.

33. *Duty of Commissioner as to Bonds.*—He shall, as soon as may be after this Charter goes into effect, prepare with the advice of the Commissioner of Finance a measure for the retirement by purchase or redemption of the existing water bonds of the City through the issuance and sale hereby provided for of bonds of the City to mature not later than fifty years from their date, bearing interest at a rate not exceeding four per centum per annum and providing for payments into a sinking fund commencing not earlier than ten years from their date, said interest and sinking fund payments to be chargeable primarily upon the revenues of the department, and shall submit said measure to the Council for action thereon.

He shall from time to time in like manner prepare and submit to the Council for action thereon measures for such bond issues or other financing of the department's affairs as the needs of the City may require.

34. *Emergency Warrants.*—If at any time the moneys appropriated and available for said department shall be insufficient in his judgment to meet any emergency arisen in said department since the passage of the last annual appropriation ordinance, the Council may, upon his requisition and by resolution declaratory of the emergency, cause emergency warrants to be issued in an aggregate amount not exceeding one hundred thousand dollars in any one year, bearing interest at a rate not exceeding six per centum per annum, and payable out of the receipts of said department for the ensuing year, including proceeds from the sale of bonds. Said warrants and the moneys realized thereon shall be applied only to meeting the emergency so declared.

ARTICLE VII.

DEPARTMENT OF FINANCE.

35. *Fiscal Year Same as Calendar Year.*—The fiscal year of the City shall commence on the first day of January and end on the last day of December of each year.

36. *Public Moneys.*—The Commissioner of Finance shall have the direct control of the revenues of the City except as otherwise provided by this Charter or by ordinance.

The Council shall by ordinance provide a system for the collection, custody and disbursement of all public moneys, not inconsistent with the provisions of this Charter.

The Council shall by ordinance provide a system of accounting for the City, not inconsistent with the provisions of this Charter, which shall be assimilated as nearly as may be to the uniform system of municipal accounting.

The Council shall by ordinance provide a system for the assessment, equalization, levy and collection of all City taxes, not inconsistent with the provisions of this Charter.

37. *Adoption of Existing Law.*—Until the Council shall otherwise by ordinance provide, the Statutes of the State of Colorado now or hereafter in force, shall govern the making of assessments by the Assessor of the County in which the City is situated, the making of equalization by the Board of County Commissioners of said County and the collection of taxes by the Treasurer of said County for and on behalf of the City, as also in respect of the certification and collection of all delinquent charges, assessments or taxes.

38. *Certificate of Assessment.*—Until the Council shall otherwise by ordinance provide, it shall be the duty of the County Assessor as soon as the assessment roll is ready in each year for the extension of taxes in accordance with the general laws of the State, to certify to the Council the total amount of property assessed within the limits of the City.

39. *Estimates of Probable Expense.*—On or before the first Monday in November in each year the Commissioners, Boards and Commissions of the City shall furnish to the Mayor estimates in writing of the probable expense to be incurred in their several departments for the ensuing fiscal year, specifying in detail such probable expenditures, including a statement of the salaries of their subordinates. Duplicates of these estimates shall be sent at the same time to the Commissioner of Finance.

The Commissioner of Finance shall, on or before the first Monday in November in each year, certify to the Mayor the amount of money to be raised by taxation during the ensuing fiscal year to make payment of interest, sinking fund and principal of bonded indebtedness, and also the estimated amount of revenue from all sources other than tax levy.

40. *Mayor's Budget.*—From such estimates the Mayor shall, on or before the third Monday in November in each year, or on such later date in each year as shall be fixed by the Council, prepare and present to the Council his annual budget for the ensuing fiscal year, which shall include interest and sinking fund on the bonded debt. The budget so prepared shall be in such detail as to the aggregate sum and the items thereof allowed to each department, office, board or commission as the Mayor may deem advisable.

41. *Action on Budget.*—The Council shall, on receipt of the budget, consider and adopt the same with or without amendment. In amending the Council may reduce or omit any item but shall not increase any item nor the total of the budget nor add any item thereto nor originate a budget.

The Council shall also in adopting the said budget, estimate and declare the amount of money necessary to be raised by tax levy, taking into account the amounts available from other sources to meet the expenses of the City for the ensuing fiscal year, based on the budget so adopted. Said budget and estimate as finally adopted shall be signed by the Mayor and Clerk and filed with the Auditor.

42. *Levy.*—Upon said estimate the Council shall forthwith proceed to make by ordinance the proper levy in mills upon each dollar of the assessed valuation of all taxable property within the City, such levy representing the amount of taxes for City purposes necessary to provide for payment during the ensuing fiscal year of all properly authorized demands upon the Treasurer, and until the Council shall otherwise by ordinance provide, the Council shall thereupon cause the total levy to be certified by the Clerk to the County Assessor who shall extend the same upon the tax list of the current year in a separate column entitled "The City of Colorado Springs Taxes," and shall include said City taxes in his general warrant to the County Treasurer for collection. The levy shall never exceed twenty mills on the dollar for all general City purposes upon the total assessed valuation of said taxable property within the City. The foregoing limitation of twenty mills shall not apply to taxes levied by the

Council for the payment of any interest, sinking fund or principal of any bonded indebtedness of the City now existing or hereafter created, nor for payment of interest, sinking fund or principal of the indebtedness of any town or city which may hereafter be incorporated with or annexed to the City; nor to special assessments for local improvements.

If the Council fail in any year to make said tax levy as above provided, then the rate last fixed shall be the rate fixed for the ensuing fiscal year.

The amount required to make payment of any interest, sinking fund or principal of bonded indebtedness shall always be included in and met by tax levy, except as otherwise provided for in this Charter.

43. *Appropriations.*—Upon the basis of the budget as adopted and filed the several sums shall forthwith be appropriated by ordinance to the several purposes therein named for the ensuing fiscal year. Said ordinance shall be adopted not later than the thirty-first day of December in each year, and shall be entitled "The Annual Appropriation Ordinance."

44. *No Liability Without Appropriation.*—Neither the Council nor any officer or employe of the City shall have authority to make any contract involving the expenditure of public money, or impose upon the City any liability to pay money unless and until a definite amount of money shall have been appropriated for the liquidation of all pecuniary liability of the City under such contract or in consequence thereof to mature during the period covered by the appropriation. Such contract shall be *ab initio* null and void as to the City for any other or further liability; *provided,* first, that nothing herein contained shall prevent the Council from providing for payment of any expense, the necessity of which is caused by any casualty, accident or unforseen contingency arising after the passage of the annual appropriation ordinance; and, second, that the provisions of this section shall not apply to or limit the authority conferred in relation to bonded indebtedness, nor for moneys to be collected by special assessments for local improvements.

45. *Special Appropriations for* 1909.—The Council shall during the year 1909 pass such special appropriation ordinances as may be necessary to pay the salaries and defray the expenses of any and all departments, officers and employes of the City for the year 1909, but not thereafter, for which provision is not made in the existing appropriation ordinance for that year, and the warrants for the payment of such salaries and expenses after being duly allowed and audited, may be drawn against such appropriation, and the amount so required for the payment of such warrants, or so much thereof as may be necessary, shall be payable out of any available moneys not otherwise appropriated, or failing such moneys the warrants shall be registered and payable out of the revenue for the next ensuing fiscal year.

46. *Collection of Taxes.*—Until the Council shall otherwise by ordinance provide, the County Treasurer shall collect City taxes in the same manner and at the same time as State taxes are collected, and all laws of this State for the assessment of property and the levy and collection of general taxes, including laws for the sale of property for taxes and the redemption of the same shall apply and have as full effect in respect of taxes for the City as of such general taxes, except as modified by this Charter.

On or before the fifth day of every month, the County Treasurer shall report the amount of tax collections for the preceding month to the Auditor and shall pay over the amount collected for the preceding month to the Treasurer.

47. *Limitation of City Indebtedness.*—Except as otherwise in this Charter provided, no bonds shall be issued for any purpose, except in pursuance of an ordinance authorizing the same, which ordinance shall be irrepealable until the indebtedness therein provided for, and the bonds issued in pursuance thereof, shall have been fully paid, and no bonds shall be issued unless the question of issuing the bonds shall be submitted to the vote of such qualified electors of the City as shall in the year next preceding such election have paid a property tax therein, and a majority of those voting upon the question by ballot shall vote in favor of issuing such bonds.

The City shall not become indebted for any purpose or in any manner to an amount which, including existing indebtedness, shall exceed three per cent. of the assessed valuation of the taxable property within the City, as shown by the last preceding assessment for City purposes; *provided, however*, that in determining the limitation of the City's power to incur indebtedness there shall not be included bonds issued for the acquisition of water, light or other public utilities, works or ways from which the City will derive a revenue.

48. *Special Statute Continued in Force.*—The provisions of Sections 6657 and 6658 of the Revised Statutes of Colorado 1908 relating to sidewalks, and of Sections 6687 to 6694 thereof inclusive, relating to refunding bonds, are hereby made and declared to be in full force and effect in the City until the Council shall otherwise by ordinance provide.

ARTICLE VIII.

DEPARTMENT OF PUBLIC SAFETY.

49. *Council Establish Police and Fire Departments.*—The Council shall, by ordinance, provide for the establishment and maintenance of a Police Department and a Fire Department, consisting of such employes as it may deem necessary.

50. *Commissioner Have Supervision.*—The Commissioner of Public Safety shall have the supervision and control of the Police and Fire Departments except as otherwise provided in this Charter, or by ordinance.

51. *Police and Fire Department Relief Funds.*—The Council shall by ordinance provide for a police department relief fund and for a fire department relief fund, to be administered by the Commissioner of Public Safety. The Council shall annually appropriate a reasonable sum for each of said funds.

POLICE COURT.

52. *Existing Law Apply.*—The existing Police Court of the City shall continue as provided in Sections 4946 to 4960 inclusive, of the Revised Statutes of Colorado, 1908, until otherwise provided by ordinance.

53. *Jurisdiction.*—Said Police Court shall have exclusive original jurisdiction to hear, try and determine all charges of misdemeanor as declared by this Charter and all causes arising under any of the ordinances of the City for a violation thereof. There shall be no trial by jury and there shall be no change of venue from said court.

ARTICLE IX.

DEPARTMENT OF PUBLIC WORKS AND PROPERTY.

54. *Commissioner Have Supervision.*—The Commissioner of Public Works and Property shall have the supervision and control of all streets, public works, ways, buildings and improvements, except as otherwise provided in this Charter or by ordinance.

There shall be appointed in the manner provided in this Charter all such assistants and employes as may be or become necessary to the efficient administration of this department of the City's government.

ARTICLE X.

DEPARTMENT OF HEALTH AND SANITATION.

55. *Assistants and Employes.*—There shall be appointed in the manner provided in this Charter, a health officer, city chemist, market master, plumbing inspector and superintendent of cemeteries and all such assistants and employes as may be or become necessary to the efficient administration of this department of the City's government.

56. *Qualifications of Health Officer.*—The health officer shall be a graduate of a reputable medical college and shall have practiced medicine for at least five years. He shall have been a resident of this City for at least two years next preceding his appointment and shall be licensed to practice medicine in this State; he shall have his license recorded with the County Clerk and Recorder of El Paso County, in accordance with the laws of the State of Colorado regulating the practice of medicine. Such health officer shall devote as much time as is necessary to the duties of his office.

57. *Qualifications of Assistants.*—The chemist, market master, plumbing inspector, and the superintendent of cemeteries shall be persons properly skilled and qualified for the efficient and capable performance of their respective duties.

58. *Power of Arrest.*—The Commissioner of Health and Sanitation and all regularly appointed employes of the Department of Health and Sanitation shall have the right and power to arrest any person or persons who may violate any of the rules or regulations of the department.

59. *Duty of Physicians and Householders.*—Every physician in the City shall promptly report in writing to said department every patient whom he shall have sick of any infectious, contagious or communicable disease dangerous to public health; and every householder, upon reasonable notice from said department, that an occupant of his or her household is suffering from any infectious, contagious or communicable disease, dangerous to the public health, shall forthwith adopt such preventive means and regulations as said department shall prescribe. Every physician who shall fail to report such case of sickness as required herein, and every householder who shall fail to comply with the rules, requirements and regulations of said department, shall be subject to such fines and penalties as the Council may by ordinance prescribe.

60. *Council Make Ordinances.*—The Council shall make all ordinances and regulations which may be necessary or expedient for the preservation of the public health and the suppression of disease.

ARTICLE XI.

COMMISSIONS AND BOARDS.

PARKS.

61. *Commission—Statutes Apply.*—The existing Park Commission of the City shall continue with the powers, functions and duties established by Sections 6771 to 6788 inclusive, of the Revised Statutes of Colorado, 1908, as in force January 1, 1909, until changed by amendment of this Charter.

PUBLIC LIBRARY.

62. *Board—Statutes Apply.*—The existing Board of Directors of the Public Library of the City of Colorado Springs shall continue with the powers, functions and duties established by Sections 3972 to 3984 inclusive, of the Revised Statutes of Colorado, 1908, as in force January 1, 1909, until changed by amendment of this Charter.

ARTICLE XII.

FRANCHISES AND PUBLIC UTILITIES.

63. *Franchise Granted Upon Vote.*—No franchise shall be granted by the City except upon the vote of the qualified tax-paying

electors, and the question of its being granted shall be submitted to such vote upon deposit with the Treasurer of the expense (to be determined by the Treasurer) of such submission by the applicant for said franchise.

64. *Franchise Specify Streets.*—All franchises or privileges hereafter granted shall plainly specify on what particular streets, alleys, avenues or other public property the same shall apply; and no franchise or privilege shall hereafter be granted by the City in general terms or to apply to the City generally.

65. *Power to Regulate Rates and Fares.*—All power to regulate the rates, fares and charges for service by public utility corporations is hereby reserved to the people, to be exercised by them by ordinance of the Council or in the manner herein provided for initiating or referring an ordinance. Any right of regulation shall further include the right to require uniform, convenient and adequate service to the public and reasonable extensions of such service and of such public utility works.

66. *Ordinance in Plain Terms.*—No franchise, right or privilege or license shall be considered as granted by any ordinance except when granted therein in plain and unambiguous terms and any and every ambiguity therein shall be construed in favor of the City and against the claimant under said ordinance.

67. *Issuance of Stock.*—Every ordinance granting any franchise shall prohibit the issuing of any stock on account thereof by any corporation holding or doing business under said franchise, to an amount in excess of the sum which shall be fixed for said purpose by the Council whenever requested so to do by the holder of said franchise; the said sum as fixed by the Council shall consist of the following items, only, to-wit:

(*a*) The sum necessarily expended by the grantee of said franchise in obtaining the same from the City; and

(*b*) The sum which is in the opinion of the Council reasonably sufficient to compensate said grantee for the time and services given by him in obtaining said franchise. Any violation of the terms of this section shall at the option of the City operate as a forfeiture of said franchise.

68. *License Tax.*—The City shall have the right to license or tax street cars, telephones, gas meters, electric meters, water meters, or any other similar device for measuring service; also telephone, telegraph, electric light and power poles, subways and wires. The said license or tax shall be exclusive of and in addition to all other lawful taxes upon the property of the holder thereof.

69. *Special Privileges to Mail Carriers, Policemen and Firemen* —The grant of every franchise for a street, suburban or interurban railroad shall provide that all United States mail carriers and all policemen and firemen of the City in uniform shall at all times, while in the actual discharge of their duties, be allowed to ride on

the cars of such railroad within the boundaries of the City without paying therefor and with all the rights of other passengers.

70. *Railroad Elevate or Lower Tracks.*—The Council shall by ordinance, require under proper penalties, any railroad company, whether steam or electric, to elevate or lower any of its tracks running over, along or across any of the streets or alleys of the City, whenever in the opinion of the Council the public safety or convenience require.

71. *Franchise Provide for Safety, Etc.*—The grant of every franchise or privilege shall be subject to the right of the City, whether in terms reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including among other things the right to pass and enforce ordinances to require proper and adequate extensions of the service of such grant, and to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service, extensions and accommodations for the people and insure their comfort and convenience.

72. *Oversight of Franchise for Use of Water Reserved to City.*—Every franchise, right or privilege which has been, or which may be hereafter granted, conveying any right, permission or privilege to the use of the water belonging to the City or to its water system, shall always be subject to the most comprehensive oversight, management and control in every particular by the City; and the rights of the City to such control for municipal purposes is retained by the City in order that nothing shall ever be done by any grantee or assignee of any such franchise, right or privilege which shall in any way interfere with the successful operation of the water works of the City, or which shall, or which shall tend to, divert, impair or render the same inadequate for the complete performance of the trust for the people under which such water works are held by the City.

73. *No Exclusive Franchise—Renewal.*—No exclusive franchise shall ever be granted, and no franchise shall be renewed before one year prior to its expiration.

74. *No Franchise Leased, Except.*—No franchise granted by the City shall ever be leased, assigned or otherwise alienated without the express consent of the City, and no dealing with the lessee or assignee on the part of the City to require the performance of any act or payment of any compensation by the lessee or assignee, shall be deemed to operate as such consent. No such franchise shall ever be assigned to any foreign corporation.

75. *No Extension or Enlargement of Franchise, Except.*—No extension or enlargement of any franchise or grant of rights or powers previously granted to any corporation, person or association

of persons, shall be made except in the manner and subject to all the conditions herein provided for in this Article for the making of original grants and franchises; *provided, however,* that the provisions of this Article shall not apply to the granting by ordinance of revocable licenses or privileges for side track or switch privileges to railway companies for the purpose of reaching and affording railway connection and switch privileges to the owners or users of any industrial plant, it being the intention to permit the City to grant such revocable licenses or privileges to railway companies whenever in its judgment the same is expedient, necessary or advisable, and whenever the application for such privileges is accompanied by the assent in writing of the owners of the major part in extent of the front feet of the lots or tracts of land of the block fronting on each side of any street, or parts of a street, over or on which it is desired to lay or construct such side tracks or switches.

76. *Provision for Common Use of Tracks, Poles, Etc.*—The City, by and through its Council, shall have the power to require any corporation holding a franchise from the City, to allow the use of its tracks, poles and wires by any other corporation to which the City shall grant a franchise, upon the payment of a reasonable rental therefor, and any franchise or right which may hereafter be granted to any person or corporation to operate a street railway within the City or its suburbs, shall be subject to the condition that the City shall have the right to grant to any other person or corporation desiring to build or operate a street railway or interurban railway within or into the City, the right to operate its cars over the tracks of said street railway in so far as may be necessary to enter the City and to reach the section thereof used for business purposes, provided that the person or corporation desiring to operate its cars over the lines of said street railway, shall first agree in writing with the owner thereof to pay it reasonable compensation for the use of its tracks and facilities. And if the person or corporation desiring to use the same cannot agree with said owner of said street railway as to said compensation, within sixty days from offering in writing so to do, and as to terms and conditions of the use of said tracks and facilities, then the Council shall, by resolution, after a fair hearing to the parties concerned, fix the terms and conditions of such use and compensation to be paid therefor, which award of the Council when so made, shall be binding on and observed by the parties concerned.

77. *Mayor Maintain General Supervision — Reports — Inspection.*—The Mayor shall maintain general supervision over all public utility companies insofar as they are subject to municipal control. He shall cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violations of law, and may revoke, cancel or annul all franchises that may have been granted by the City, which have become in whole or in part, or which for any reason are, illegal or void and not binding upon the City.

He shall require every person or corporation operating under a franchise or grant from the City, to submit to the Council within sixty days after the first day of January of each year, an annual report, verified by the oath of the President, the Treasurer or the General Manager thereof, showing in detail—

(*a*) The amount of its authorized capital stock and the amount thereof issued and outstanding.

(*b*) The amount of its authorized bonded indebtedness and the amount of its bonds and other forms of evidence of indebtedness issued and outstanding.

(*c*) An itemized statement of its receipts and expenditures for the preceding calendar year.

(*d*) The amount paid as dividends upon its stock and as interest upon its bonds and other indebtedness.

(*e*) The names of and the amount paid as salary to each officer and the amount paid as wages to its employes.

(*f*) A full description of its property and franchises, stating in detail how each franchise stated to be owned was acquired and the book value thereof; and

(*g*) Such other information as may be required by the Council.

Such reports shall be in the form and cover the period prescribed by the Council; and the Council shall have the power either through members or by experts or employes duly authorized by it, to examine the books and affairs of any such person, persons or corporations and to compel the production before them of books and papers pertaining to such report or other matters.

Any such person, persons or corporation which shall fail to make any such report, shall be liable to a penalty of one hundred dollars and an additional penalty of one hundred dollars for each and every day thereafter, during which he shall fail to file his report, to be sued for and recovered in any court of record.

The Mayor shall have the power, either personally or through the City's inspectors or employes duly authorized by the Council, to enter into or upon and to inspect the buildings, plants, power houses and all properties of any such person, persons or corporation, and shall inspect the properties of such person, persons or corporation at least once a year and shall immediately thereafter report to the Council a detailed and complete statement of such inspection.

78. *Books of Record and Reference.*—The Mayor shall provide and cause to be kept in the office of the City Clerk, the following books of record and reference:

First—A Franchise Record, indexed and of proper form in which shall be transcribed accurate and correct copies of all franchises or grants by the City to any person, persons or corporation owning or operating any public utility. The index of said record shall give the name of the grantee and thereafter the name of any assignee thereof. Said record shall be a complete history of all

franchises granted by the City and shall include a comprehensive and convenient reference to actions, contests or proceedings at law, if any, affecting the same.

Second—A Public Utility Record, for every person, persons or corporation owning or operating any public utility under any franchise granted by the City, into which shall be transcribed accurate and correct copies of each and every franchise granted by the City to said person, persons or corporation or which may be controlled or acquired by them or it, together with copies of all annual reports and inspection reports, as herein provided, and such other matters of information and public interest as the Mayor may from time to time acquire. All annual and inspection reports shall be published once in two daily newspapers of general circulation published in the City, or printed and distributed in pamphlet form, as the Council may deem best, and in case annual reports are not filed and inspections are not made, as provided, the Mayor shall in writing report to the Council the reasons therefor, which report shall be transcribed in the Record of the person, persons or corporation owning or controlling said franchise or grant, and published once in two daily newspapers of general circulation published in the City, or printed and distributed in pamphlet form, as the Council may deem best.

The provisions of this section shall apply to all persons or corporations operating under any franchise now in force or hereafter granted by the City.

79. *Books of Account—Examination.*—The City, when owning any public utility, shall keep the books of accounts for such public utility distinct from other City accounts and in such manner as to show the true and complete financial result of such City ownership, or ownership and operation, as the case may be. Such accounts shall be so kept as to show the actual cost to such City of the public utility owned; all cost of maintenance, extension and improvement; all operating expenses of every description, in case of such City operation; the amounts set aside for sinking fund purposes; if water or other service shall be furnished for the use of such public utility without charge, the accounts shall show, as nearly as possible the value of such service, and also the value of such similar service rendered by the public utility to any other City department without charge; such accounts shall also show reasonable allowance for interest, depreciation and insurance, and also estimates of the amount of taxes that would be chargeable against such property if owned by a private corporation. The Council shall cause to be printed annually for public distribution, a report showing the financial results, in form as aforesaid, of such City ownership, or ownership and operation. The accounts of such public utility, kept as aforesaid, shall be examined at least once a year by an expert accountant, who shall report to the Council the results of his examination. Such expert accountant shall be selected in such manner as the Council may direct, and he shall receive for his services such compensation,

to be paid out of the income or revenues from such public utility, as the Council may prescribe.

80. *Term Not Longer Than Twenty-five Years—Compensation.* —No franchise, lease or right to use the streets, or the public places or property of the City shall be granted by the City, except as in this Charter provided, for a longer period than twenty-five (25) years, nor without fair compensation to the City therefor, and in addition to the other forms of compensation to be therein provided, the grantee shall be required to pay annually to the City such percentage of the gross receipts arising from the use of such franchise and of the plant used therewith as shall be fixed in the grant of said franchise. *Provided,* that such percentage be not less than three per cent. during the first fifteen years and not less than five per cent. of said gross annual receipts for the remainder of the life of the franchise. Every grant of a franchise shall fix the amount and manner of the payment of the compensation to be paid by the grantee for the use of the same and no other compensation of any kind shall be exacted for such use during the life of the franchise, but this provision shall not exempt the grantee from any lawful taxation upon his or its property, nor from any licenses, charges or impositions not levied on account of such use.

81. *City May Purchase—Procedure.*—(*a*) Every grant of a franchise or right shall provide that the City may, upon the payment therefor of its fair valuation, to be made as provided in the grant, purchase and take over the property and plant of the grantee in whole or in part.

The procedure to effect such purchase shall be as follows:

When the Council shall, by resolution, direct that the Mayor shall ascertain whether any such property or part thereof, should be acquired by the City, or in the absence of such action of the Council, when a petition subscribed by ten per centum of the qualified taxpaying electors requesting that the Mayor shall ascertain whether any such property or part thereof should be acquired by the City, shall be filed with the Clerk, the Mayor shall forthwith carefully investigate said property and report to the Council—

(1) At what probable cost said property may be acquired.

(2) What, if any, probable additional outlays would be necessary to operate same.

(3) Whether, if acquired, it could be operated by the City at a profit or advantage in quality or cost of service, stating wherein such profit or advantage consists.

(4) Whether, if acquired, it could be paid for out of its net earnings, and if so, within what time, and

(5) Such other information touching the same as he shall have acquired.

Such report shall be made in writing, shall include a statement of facts in relation thereto with such particularity as will enable the

Council to judge of the correctness of his findings, and immediately after submission to the Council, shall be filed with the Clerk, recorded in the Public Utility Record and published once in each of two daily newspapers of general circulation published in the City, or printed and distributed in pamphlet form, as the Council may deem best.

If a petition subscribed by twenty-five per centum of the qualified tax-paying electors of the City, requesting that the question whether or not the City shall acquire said property shall be submitted to a vote of the people, shall within sixty days after the filing of said report be filed with the Clerk, the Council shall provide by ordinance for the submission of the question to a vote of the qualified tax-paying electors.

(*b*) Every grant reserving to the City the right to acquire the plant as well as the property, if any, of the grantee situated in, on, above or under the public places of the City, or elsewhere, used in connection therewith, shall in terms specify the method of arriving at the valuation therein provided for and shall further provide that upon the payment by the City of such valuation the plant and property so valued, purchased and paid for shall become the property of the City by virtue of the grant and payment thereunder and without the execution of any instrument of conveyance; and every such grant shall make adequate provision by way of forfeiture of the grant, or otherwise, for the effectual securing of efficient service and for the continued maintenance of the property in good order and repair throughout the entire term of the grant.

(*c*) Whenever any plant or property shall become the property of the City of Colorado Springs, the City shall have the option at any time then or thereafter either to operate the same on its own account, or by ordinance to lease the same or any part thereof together with the franchise or right to use the streets or other public property in connection therewith for periods not exceeding twenty-five years under such rules and regulations as it may prescribe, or by ordinance to sell the same to the highest bidder at public sale.

82. *Matters in Charter Not to Impair Right of Council to Insert Other Matters in Franchise.*—The enumeration and specification of particular matters in this Charter which must be included in every franchise or grant, shall never be construed as impairing the right of the Council to insert in such franchise or grant, such other and further matters, conditions, covenants, terms, restrictions, limitations, burdens, taxes, assessments, rates, fares, rentals, charges, control, forfeitures, or any other provision whatever, as the Council shall deem proper to protect the interests of the people.

83. *Revocable Permits.*—The Council may grant a permit at any time, in or upon any street, alley or public place, provided such permit may be revocable by the Council at its pleasure at any time, whether such right to revoke be expressly reserved in every permit or not.

ARTICLE XIII.

ELECTIONS.

84. *General and Special Municipal Elections.*—A municipal election shall be held in the City on the first Tuesday of July in 1909 and on the first Tuesday of April in 1911, and on the first Tuesday in April of every second year thereafter, and shall be known as the General Municipal election.

A second election shall be held when necessary as provided in Section 104 of this Charter, on the second Tuesday after said General Municipal election and shall be known as the Second General Municipal election. All other municipal elections that may be held by authority of this Charter or of general law shall be known as Special Municipal elections.

85. *Registration.*—(*a*) No person shall be permitted to vote at any municipal election, without having been registered as required by the provisions of this Article.

(*b*) The Clerk shall, as soon as may be, after each general State election, secure from the county clerk of El Paso County a certified copy of the registration lists of the electors of the City registered for that election.

(*c*) For municipal elections no new registration shall be required, except as hereinafter provided, but any qualified elector of the City whose name is on the registration lists used at the then last preceding general State election, and who still resides at the place designated in his said registration, shall be deemed properly registered for any such election; and additional registration and changes in registration may be made as hereinafter provided.

(*d*) On the eleventh day preceding any municipal election the Clerk shall deliver to the registration committee of each election precinct the proper registration list, and on the tenth day preceding the election thus to be held, or if that day be a legal holiday or a Sunday, then on the succeeding day, the registration committee for each precinct shall sit from nine o'clock, a. m. until nine o'clock p. m. at some suitable place within the precinct to be provided by the Clerk, and shall place on said registration lists the names of all qualified electors of that precinct who are not registered and who shall present themselves for registration and comply with the requirements prescribed by the general registration laws of the State.

(*e*) Before any municipal election held for any purpose any qualified elector whose name does not appear upon the registration lists shall have the right to have his name placed upon such registration lists by presenting himself for registration at the office of the Clerk between the hours of eight o'clock a. m. and nine o'clock p. m. on the eighth day preceding the election thus to be held, or if that day be a legal holiday or a Sunday, then on the succeeding day, and by complying with the requirements prescribed by the general registration laws of the State.

(*f*) Any qualified elector whose name appears upon said registration list, but who has removed from the precinct in which he is registered to some other precinct, may appear before the Clerk at any time within five days prior to any municipal election and, upon making oath in writing as to his then present residence, said Clerk shall draw a line in red ink through the registration of such person, making a note as follows: "Changed ....., 19..., to precinct ....., ward .....," inserting the date and number of precinct and ward therein, and shall register in red ink such person in the registration list for the precinct in which such person then resides; and a change of residence within the same precinct may be made in like manner. The Clerk or deputy making such change shall sign his name in the column provided for the signatures of the registration committee, and the person so registered shall also sign his name as in the case of an original registration.

(*g*) The registration committee and the judges and the clerks of election shall be the same as are now or may hereafter be provided by the general laws of the State, except as the Council may otherwise by ordinance provide.

86. *Nomination and Election of Officers.*—The mode of nomination and election of all elective officers of the City to be voted for at any municipal election shall be as follows and not otherwise:

87. *Condition of Candidacy.*—The name of a candidate shall be printed upon the ballot when a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth.

88. *Form of Nomination Petition.*—The petition of nomination shall consist of not less than twenty-five individual certificates, which shall read substantially as follows:

PETITION OF NOMINATION.

INDIVIDUAL CERTIFICATE.

STATE OF COLORADO,
COUNTY OF EL PASO,
City of Colorado Springs. } ss.

I do hereby join in a petition for the nomination of ...., whose residence is at No. .... Street, Colorado Springs, for the office of ....., to be voted for at the municipal election to be held in the City of Colorado Springs on the ..... day of ....., 19....; and I certify that I am a qualified elector and am not at this time a signer of any other certificate nominating any other candidate for the above named office, or, [in case there are several places to be filled in the above named office,] that I have not signed more certificates than there are places to be filled in the above named office; that my residence is at No. .... Street, Colorado Springs.

I further certify that I join in this petition for the nomination of the above named person believing that he has not become a candidate as the nominee or representative of or because of any promised support from any political party or any committee or convention representing or acting for any political party.

(Signed) .....

STATE OF COLORADO,
COUNTY OF EL PASO,
City of Colorado Springs. } ss.

....., being first duly sworn, deposes and says, that he is the person who signed the foregoing certificate and that the statements therein are true.

(Signed) .....

Subscribed and sworn to before me this ..... day of ....., 19....

My commission expires .....

.....
Notary Public.

The petition of nomination of which this certificate forms a part shall, if found insufficient, be returned to ..... at No. ..... Street, Colorado Springs.

89. *Forms to be Supplied by the Clerk.*—It shall be the duty of the Clerk to furnish upon application, a reasonable number of forms of such individual certificates.

90. *Requirements of Certificate.*—Each certificate must be a separate paper. All certificates must be of a uniform size as determined by the Clerk. Each certificate must contain the name of one signer thereto and no more. Each certificate shall contain the name of one candidate and no more. In case an elector has signed two or more conflicting certificates, all such conflicting certificates shall be rejected. Each signer must make oath to his certificate before a Notary Public substantially in the form prescribed in Section 88 of this Charter.

91. *Date of Presenting Petition.*—A petition of nomination, consisting of not less than twenty-five individual certificates for any one candidate, may be presented to the Clerk not earlier than thirty nor later than twenty days before the election. The Clerk shall endorse thereon the date upon which the petition was presented to him.

92. *Examination of Petition by Clerk.*—When a petition of nomination is presented for filing to the Clerk, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this Article. If found not to conform thereto, he shall then and there in writing designate on said petition the defect or omission or reason why such petition cannot be filed, and shall forthwith return the petition to the person named as the person to whom the same shall be

returned in accordance with this Article. The petition may then be amended and again, but not later than three days after said petition shall have been returned, presented to the Clerk, as in the first instance. The Clerk shall forthwith proceed to examine the amended petition as hereinbefore provided.

93. *Filing of Petitions.*—If either the original or the amended petition of nomination be found sufficiently signed, as hereinbefore provided, the Clerk shall file the same forthwith.

94. *Acceptance or Withdrawal of Candidate.*—Any person nominated under this Article shall file his acceptance with the Clerk within five days from the filing of the petition of nomination and in the absence of such acceptance the name of the candidate shall not appear on the ballot. In said acceptance he shall make affidavit to the fact that he has not become a candidate as the nominee or representative of or because of any promised support from any political party or any committee or convention representing or acting for any political party. Any person whose name has been presented under this Article as a candidate may, not later than fifteen days before the day of election, cause his name to be withdrawn from nomination by filing with the Clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot.

95. *Preservation of Petitions.*—The Clerk shall preserve in his office for a period of two years all petitions of nomination and all certificates belonging thereto filed under this Article.

96. *Election Notices.*—The Clerk shall, on the tenth day before the election, certify a list of the candidates so nominated whose names are entitled to appear on the ballot as being the list of candidates nominated as required by this Charter, with the offices to be filled, and the Council shall cause said certified list of names and the offices to be filled, designating whether for a full or unexpired term, to be published in a notice calling the election, three successive days before the election, in not more than two daily newspapers of general circulation published in the City.

97. *Form of Ballots.*—The Clerk shall cause the ballots to be printed, bound, numbered, endorsed and authenticated, as provided by State law, except as otherwise required in this Charter. The ballots shall contain the list of names and the respective offices, as published in the election notice, and shall be in substantially the following form:

GENERAL (OR SPECIAL) MUNICIPAL ELECTION, CITY OF COLORADO SPRINGS. (Inserting date thereof.)

INSTRUCTIONS TO VOTERS: To vóte, place a cross (X) mark with ink in the circle opposite the name of the candidate for whom you desire to vote. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, return it to the Judges of Election and obtain another.

98. *Arrangement of Offices on Ballot.*—The offices to be filled shall be arranged in separate columns in the following order:

"For Mayor (if any) vote for one,"

"For Councilman (if any) vote for (giving number)."

99. *Circle for Placing Cross.*—Circles shall be provided at the right of the name of each candidate wherein to place the cross.

100. *Blank Spaces for Additional Candidates.*—Spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the names of any person or persons for whom he may wish to vote.

101. *Requirements of Ballots.*—All ballots printed shall be precisely of the same size, quality, tint of paper, kind of type and color of ink, so that without the number, it would be impossible to distinguish one ballot from another. Space shall be provided on the ballot for Charter amendments or other questions to be voted on at the municipal elections, as provided by this Charter. The names of candidates for each office shall be arranged in alphabetical order. Nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate. No ballot shall have printed thereon any party or political designation or mark and there shall not be appended to the name of any candidate any such party or political designation or mark, or anything indicating his views or opinions.

102. *Sample Ballots.*—The Clerk shall at least five days before the election cause to be printed five hundred sample ballots, upon paper of different color but otherwise identical with the ballot to be used at the election and shall distribute the same upon application to registered voters at his office.

103. *First or Primary Election.*—In case there is but one person to be elected to an office, the candidate receiving a majority of the votes cast for all the candidates for that office shall be declared elected; in case there are two or more persons to be elected to an office, then those candidates equal in number to the number to be elected, who receive the highest number of votes for such office shall be declared elected; *provided, however,* that no person shall be declared elected to any office at such first election unless the number of votes received by him shall be greater than one-half the number of ballots cast at such election.

104. *Second Election.*—As to any office not so filled by majority vote, said first election shall be deemed a primary election for the nomination of candidates therefor, and a second election shall be held to fill said office. At said second election the only candidates whose names are printed upon the ballot shall be, if for the office of Mayor, the two persons who at such primary election received the highest number of votes therefor, and, if for the office of Councilman, those persons not exceeding twice the number of the office or offices to be filled, who at such primary election received the highest num-

ber of votes less than a majority for such office; *provided, however,* that any person, who at such primary election received the same number of votes (for such office) as any person so made a candidate for that office, shall also be a candidate therefor at said second election, and that any candidacy at said second election made vacant by death, withdrawal or otherwise shall be filled by selection of the person (or persons if more than one) who at said primary election secured the next highest number of votes less than a majority for said office. At said second election the candidates receiving the highest number of votes shall be declared elected.

105. *Date of Second Election.*—The said second election, if necessary to be held, shall be held two weeks after the first election.

106. *Rules Governing Second Election.*—All the provisions and conditions of this Article as to the conduct of an election, so far as they may be applicable, shall govern the second election, except that notice of election shall be published once only, and provided also that the same precincts and polling places shall, if possible, be used.

107. *Informalities in Election.*—No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity with the requirements of this Charter.

108. *Statement of Expenses to be Filed.*—Every candidate who is voted for at any election held within this City shall within thirty days after such election, file an itemized statement showing in detail all the moneys contributed or expended by him directly or indirectly by himself or through any other person in aid of his election. Such statement shall give the names of the various persons who received such money and the specific nature of each item and the purpose for which it was expended or contributed. There shall be attached to each statement an affidavit of such candidate, setting forth in substance that the statement thus made is in all respects true and that the same is a full and detailed statement of all moneys so contributed or expended by him.

109. *Corrupt Practices.*—Any person who shall, at any municipal election, violate any of the State laws in regard to corrupt practices, or who shall fail to file a sworn statement of expenses as hereinabove required, shall, upon conviction thereof, be forthwith disqualified from holding municipal office, position or employment for a period of two years, and if such person shall have been elected or appointed to any municipal office, position or employment, his conviction of any such violation shall *ipso facto* create a vacancy therein.

Action for the enforcement of this provision may be brought by the City Attorney, or by any citizen, on behalf of the City.

110. *Use of Carriages on Day of Election.*—No candidate for any elective office shall directly or indirectly use or cause to be used in aid of his candidacy on the day of any municipal election more than one carriage or other vehicle to aid voters to get to the polling

places. Such carriage or other vehicle shall be used to transport only those voters who by reason of illness or other infirmity are unable to go to the polling places unless so transported. Any candidate desiring to use the one carriage or other vehicle above mentioned shall not less than one day prior to the day of election file in the office of the Clerk a statement of such desire on his part which shall contain such a description of the carriage or vehicle he desires to use as will readily identify the same. No other carriage or vehicle than the one so described in the said statement shall be used by the said candidate, or by any committee or association promoting his candidacy for the purpose of conveying voters to the polling places on the day of election.

A violation of any of the provisions of this section by any candidate shall disqualify him from holding the office for which he is a candidate.

Every elective officer of the City shall, at the time he takes the oath of office, be required to take and subscribe an oath that he has not violated any of the provisions of this section.

111. *General Election Regulations.*—The provisions of any State law now or hereafter in force except as the Council may otherwise by ordinance provide relating to the qualifications and registration of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, except as otherwise provided in this Article, so far as they may be applicable, shall govern all municipal elections; provided that the Council shall meet as a canvassing board and duly canvass the election returns within two days after any municipal election.

ARTICLE XIV.

RECALL OF ELECTIVE OFFICERS.

112. *Applies to All Elective Officers.*—The holder of any elective office may be removed by the qualified electors of the City. The procedure to effect such removal from office shall be as follows:

113. *Petition for Recall.*—A petition signed by electors qualified to vote for a successor to the incumbent sought to be removed equal in number to at least thirty per centum of the last preceding vote cast for all candidates for Mayor, demanding an election of a successor of said incumbent shall be addressed to the Council and filed with the Clerk. The Council shall provide blank forms for such petitions which shall be kept by and secured from the Clerk. The Clerk, upon issuing such forms to any person, shall enter the name of the person to whom issued, the date of such issuance and the number of such forms issued in a record to be kept in his office for that purpose, and shall certify on each of said forms under his seal, the name of the person to whom issued and the date of the issuance. No petition shall be filed unless it shall bear such cer-

tificate of the Clerk. All petitions shall be returned and filed with the Clerk within thirty days from the issuance of such blank forms. The petition shall contain a specific statement of the grounds upon which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements contained therein are true, and that each signature appended to the paper is the genuine signature of the person whose name it purports to be. All papers composing said petition shall be assembled and filed as one instrument, with endorsement thereon of the names and addresses of three persons designated as filing said petition. *Provided,* that prior to the issuance of any blank forms of petition for recall an affidavit shall be made by one or more qualified electors, which affidavit shall state the name of the officer or officers sought to be removed and the ground upon which the removal is sought, and such affidavit shall be filed with the Clerk.

114. *Petition May Be Amended or New Petition Made.*—Within ten days from the filing of said petition the Clerk shall ascertain by examination thereof and of the registration books and election returns whether the petition is signed by the requisite number of qualified electors, and shall attach thereto his certificate showing the result of such examination. He shall, if necessary, be allowed extra help by the Council.

If his certificate shows the petition to be insufficient, he shall within said ten days so notify in writing one or more of the persons designated on the petition as filing the same; and the petition may be amended at any time within ten days from the filing of the certificate. The Clerk shall within ten days after such amendment make like examination of the amended petition and attach thereto his certificate of the result. If still insufficient, or if no amendment is made, he shall return the petition to one of the persons designated thereon as filing it, without prejudice, however, to the filing of a new petition for the same purpose.

115. *Election Under Recall Petition, Unless Officer Resigns.*—If the petition or amended petition shall be found and certified by the Clerk to be sufficient, he shall submit the same with his certificate to the Council without delay, and the Council shall, if the officer sought to be removed does not resign within five days thereafter, thereupon order an election to be held on a Tuesday fixed by it, not less than thirty nor more than forty days from the date of the Clerk's certificate that a sufficient petition is filed; *provided, however,* that if any other municipal election is to occur within sixty days from the date of the Clerk's certificate, the Council may, in its discretion, postpone the holding of the removal election to the date of such other municipal election. If vacancy occur in said office after a removal election has been so ordered, the election shall nevertheless proceed as in this Article provided.

116. *Candidates—Election.*—Any officer sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the Clerk shall place his name on the official ballot without nomination. The nomination of other candidates, the publication of notice of such removal election and the conduct of the same, shall all be in accord with the provisions of Article XIII hereof, relating to elections. In such removal election the candidate receiving the majority of all votes cast for said office at the first election, or if that prove to be a primary election, then the candidate receiving the highest number of votes at the second election shall be declared elected. Said second election, if necessary, shall be held fourteen days after the first election.

117. *Incumbent Removed.*—The incumbent shall continue to perform the duties of his office until the removal election. If then elected, he shall continue in office for the balance of his term. If not then elected, he shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fail to qualify within ten days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant. The method of removal by recall herein provided for, shall be cumulative and additional to any method otherwise provided in this Charter.

118. *No Recall Petition for First Six Months.*—No recall petition shall be filed against any officer until he has actually held his office for at least six months.

119. *Incapacity of Recalled Officer.*—No person who has been removed from an office by recall, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within one year after such removal by recall or resignation.

ARTICLE XV.

THE INITIATIVE.

120. *Direct Legislation.*—Any proposed ordinance may be submitted to the Council by petition signed by qualified electors of the City, equal in number to the percentage hereinafter required. The procedure in respect of such petition shall be the same as provided in Sections 113 and 114 of this Charter, with such modifications as the nature of the case requires, except that no blank forms shall be furnished or preliminary affidavit made.

121. *Fifteen Per Centum Petition.*—If the petition accompanying the proposed ordinance be signed by qualified electors equal in number to fifteen per centum of the last preceding vote cast for all candidates for Mayor, and contains a request that said proposed ordinance be submitted to a vote of the people, if not passed by the

Council, the Council shall within twenty days after the attachment of the Clerk's certificate of sufficiency to the accompanying petition, either

(*a*) Pass said ordinance without alteration, (subject to the referendary vote under the provisions of Section 130 of this Charter); or

(*b*) Call a special election unless a general municipal election is fixed within ninety days thereafter, and at such special or general municipal election said proposed ordinance shall be submitted without alteration to the vote of the qualified electors of the City.

122. *Five Per Centum Petition.*—If the petition be signed by qualified electors equal in number to at least five per centum but less than fifteen per centum of the last preceding vote cast for all candidates for Mayor, and said proposed ordinance be not passed without alteration by the Council within twenty days, as provided in the preceding section, then such proposed ordinance, without alteration, shall be submitted by the Council to electoral vote at the next general municipal election occurring not less than thirty days thereafter.

123. *Publication of Electoral Ordinance.*—Whenever any proposed ordinance is required by this Charter to be submitted to the voters of the City at any election, the Council shall cause said proposed ordinance to be published in like manner as other proposed ordinances are required to be published.

124. *Election.*—The ballots used when voting upon such proposed ordinance shall contain the words: "For the Ordinance" (stating the nature of the proposed ordinance) and "Against the Ordinance" (stating the nature of the proposed ordinance.) If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, the same shall thereupon become an ordinance of the City.

125. *Several Ordinances at One Election.*—Any number of proposed ordinances may be voted on at the same election, in accordance with the provisions of this Article.

126. *Limit to Special Elections.*—There shall not be held under this Article of the Charter, more than one special election in any period of twelve months.

127. *Repeal of Electoral Ordinance.*—The Council may submit a proposition for the repeal or amendment of any ordinance so adopted by electoral vote, to be voted upon at any succeeding general municipal election, and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly. An ordinance so adopted by electoral vote, cannot be repealed or amended except by electoral vote.

128. *Further Regulations.*—The Council may, by ordinance, make such further regulations as it may deem necessary to carry out the provisions of this Article.

ARTICLE XVI.

THE REFERENDUM.

129. *Mode of Protesting Against Ordinances.*—No ordinance passed by the Council shall go into effect before ten days from the time of its final passage, except ordinances making tax levy or appropriation, or in respect of a parking or paving district, and excepting also any ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency. If, during said ten days, a petition signed by qualified electors of the City equal in number to at least fifteen per centum of the last preceding vote cast for all candidates for Mayor be presented to the Council, protesting against the going into effect of such ordinance, the same shall thereupon be suspended from going into effect, and it shall be the duty of the Council to reconsider such ordinance, and if the same be not entirely repealed, the Council shall submit the ordinance, as is provided in Article XV of this Charter, to a vote of the qualified electors of the City, either at the next general municipal election or at a special election to be called for that purpose, and such ordinance shall not go into effect unless a majority of the qualified electors voting on the same shall vote in favor thereof. The procedure in respect of such petition shall be the same as provided in Sections 113 and 114 of this Charter, with such modifications as the nature of the case requires, except that no blank forms shall be furnished or preliminary affidavit made.

130. *Reference by the Council.*—The Council may, of its own motion, submit to electoral vote for adoption or rejection at a general or special municipal election any proposed ordinance or measure in the same manner and with the same force and effect as is provided in Article XV. If the provisions of two or more proposed ordinances or measures adopted or approved at the same election conflict, then the ordinance or measure receiving the highest affirmative vote shall control.

131. *Further Regulations.*—The Council may, by ordinance, make such further regulations as it may deem necessary to carry out the provisions of this Article.

ARTICLE XVII.

OFFICERS, EMPLOYES AND SALARIES.

132. *Officers—Employes.*—The Mayor, Councilmen and Police Magistrate shall be the officers of the City. All other persons in the service of the City, or of any commission or board thereof, are hereby declared to be employes. Except as herein otherwise provided the Council shall by ordinance fix the compensation of salaried employes, and until such compensation has been fixed by ordinance, as aforesaid, the same shall remain as now provided.

133. *Office Hours.*—It shall be the duty of the Mayor and each Councilman to maintain regular office hours at the City Hall.

134. *Salary of Mayor.*—The salary of the Mayor shall be Thirty-six Hundred Dollars ($3,600.00) per annum, of which Eighteen Hundred Dollars ($1,800.00) shall be charged to the Department of Water and Water Works. Said salary shall be payable in equal monthly installments.

135. *Salary of Councilmen.*—The salary of each Councilman shall be Two Thousand Dollars ($2,000.00) per annum, payable in equal monthly installments.

136. *Removal Terminates Salary.*—In case of removal of any officer or employe his right to salary shall thereupon cease.

137. *Appointment of Clerk and Attorney.*—A City Clerk shall be appointed by the Council. A City Attorney shall be appointed by the Mayor, subject to confirmation by the Council.

138. *Treasurer—Auditor.*—The positions of Treasurer and Auditor shall continue with the powers, duties and compensation as now established by law, subject to the provisions of this Charter, until the Council shall by ordinance otherwise provide.

139. *Oaths.*—Every officer shall, before he enters upon the duties of his office, take, subscribe and file with the Clerk an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Colorado, and to faithfully perform the duties of the office upon which he shall be about to enter.

140. *Bonds.*—If any officer or employe is required by law or by ordinance to give bond, he shall not be deemed qualified for his office or employment until such bond has been duly approved and filed.

All such bonds must be approved by the Mayor, who shall have the custody thereof.

A reasonable charge by a Surety Company for qualifying upon such bond shall, when approved by the Mayor, be paid by the City.

141. *Receive No Commissions, Profits, Free Tickets, Etc.*—No officer or employe shall receive any commission, money or thing of value, or derive any profit, benefit or advantage, direct or indirect, from or by reason of any dealings with or services for the City by himself or by others, or from or by reason of any alterations, improvements or repairs required by authority of the City, except his lawful compensation as such officer or employe, and his share of the public benefit.

No officer or employe shall accept, directly or indirectly, from the holder of any public utility franchise in the City, any frank, free ticket, free service, or other service upon terms more favorable than those granted to the public generally. This prohibition shall

not extend to transportation of firemen and policemen in uniform while in actual discharge of their duties.

Violation of this section shall be a misdemeanor and a ground for removal.

142. *Religious or Political Opinions Not Affect Appointment.*—No appointment to position under the City government shall be made or be withheld by reason of any religious or political opinions or affiliations or political services, and no appointment to or selection for or removal from any office or employment, and no transfer, promotion, reduction, reward or punishment shall be in any manner affected by such opinions, affiliations or services.

143. *Official Books, Records, Etc.*—(*a*) All books, records and papers of every office, department, board or commission are City property and must be kept as such by the proper officers or employes during their continuance in office and then delivered to their successors, who shall give duplicate receipts therefor, one of which shall be filed with the Clerk. The failure to deliver such books, records and papers shall be a misdemeanor.

(*b*) Certified copies or extracts from the books, records and files shall be given by the officer, board, commission or employe having the same in custody, to any person demanding the same and paying for such copies or extracts, but the records of the Police Department shall not be subject to inspection or copy without permission of the Mayor.

(*c*) All equipments, collections, models, materials, instruments, tools and implements which are collected, maintained, used or kept by the City or by any department, board or commission, shall be City property, and be duly turned over by the custodian thereof to his successor, or duly accounted for.

144. *Payment of Debts.*—Failure of any officer or employe to promptly pay any indebtedness contracted by him while in the service of the City shall be ground for his removal.

145. *Attend to Duties.*—All persons holding any office or employment under the City, whether elective or appointive, shall be required to engage in the actual work of the office or employment so held, to the extent that their services may be necessary for the full and complete discharge of the duties of said office or employment, and a failure so to do shall be ground for removal.

CITY ATTORNEY.

146. *Duties.*—The City Attorney shall conduct all cases in Court in this State wherein the City shall be party plaintiff or defendant, or a party in interest. He shall be the legal adviser of the Mayor, Council, Commissions, and heads of departments, in relation to their duties, and shall perform such other duties, not inconsistent herewith, as may be required of him by ordinance. He shall receive such salary as the Council by ordinance shall prescribe.

147. *Assistants.*—The attorney, with the consent of the Council, may employ an assistant, who shall receive such salary as the Council by ordinance shall prescribe.

The Council may also, at any time, employ other counsel, to take charge of any litigation or to assist the attorney, whose compensation shall be fixed by the Council at the time of employment.

ARTICLE XVIII.

CIVIL SERVICE.

148. *Commission.*—There is hereby established a Civil Service Commission consisting of three members who shall serve without compensation.

The Council first elected after the adoption of this Charter shall, as soon as practicable thereafter, appoint one member of said Commission to serve for two years, another member to serve for four years and a third member to serve for six years. Biennially thereafter, one member shall be appointed by the Council to take the place of the member whose term shall next expire, so that one member shall be appointed every two years to serve for a period of six years. If a vacancy shall occur in the Commission, it shall be filled by appointment by the Council for the unexpired term.

149. *Commission Make Rules.*—The Commission shall, with the approval of the Council, make such rules and regulations for the proper conduct of its business, as it shall find necessary or expedient. The Commission shall, among other things, provide for the classification of all employments in the Department of Public Safety and in the Department of Public Works and Property, for open, competitive and free examinations as to fitness; for an eligible list from which vacancies shall be filled; for a period of probation before employment is made permanent; and for promotion on the basis of merit, experience and record.

150. *Council Give Further Powers.*—The Council whenever requested by the Commission may by ordinance confer upon the Commission such other or further rights, duties and privileges as may be necessary adequately to enforce and carry out the principles of Civil Service.

ARTICLE XIX.

GENERAL PROVISIONS.

151. *Present Form of Government Continue Until.*—Except as otherwise in this Article provided, the form of government existing in the City of Colorado Springs at the time of the adoption of this Charter shall continue unaltered, and all officers and other persons in the service of the City at the time this Charter takes effect, shall continue to serve as such and to receive the compensation therefor now provided by law or by ordinance, and to have and exercise the powers, authority and jurisdiction theretofore possessed

by them respectively, until the elective officers first elected hereunder shall have qualified. Upon such qualification of said elective officers hereunder, the term of office of every officer or other person in the service of the City at the time this Charter takes effect shall immediately cease and determine. Thereafter all of said offcers (except the Mayor and aldermen) and all of said other persons in the service of the City at the time this Charter takes effect shall continue to draw compensation at the same rate, and to exercise like powers, authority and jurisdiction as theretofore, until replaced, or until the Council shall otherwise provide.

152. *Duty of Present Officers as to Elections.*—It shall be the duty of the Mayor, the City Council and the City Clerk in office when this Charter takes effect, to comply with all requirements of Article XIII of this Charter relating to Elections, to the end that all things may be done necessary to the nomination and election of the officers first to be elected under this Charter.

153. *Present Ordinances Continue in Force.*—All laws, ordinances, resolutions, by-laws, orders, rules, or regulations in force in the City of Colorado Springs at the time this Charter takes effect, and not inconsistent with the provisions of this Charter, whether enacted by the authority of the City or by any other authority, shall continue in full force and effect, until the Council otherwise by ordinance provides, notwithstanding any change of organization effected by this Charter.

154. *Penalty for Violation.*—Any person who shall violate any of the provisions of this Charter for the violation of which no punishment has been provided herein, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars ($100) or by imprisonment in the City jail not exceeding three (3) months, or by both such fine and imprisonment.

155. *Definition of Misdemeanor.*—The term "misdemeanor" as used in this Charter, shall mean a violation thereof, or of any ordinance, of which the Police Court or Magistrate shall have jurisdiction, and shall not have the meaning attached to it in Chapter XXXV entitled "Crimes," Revised Statutes of Colorado, 1908.

156. *Continuing Bonds, Etc.*—All official bonds, recognizances, obligations, contracts and all other instruments entered into or executed by or to the City before this Charter takes effect, and all taxes, fines, penalties and forfeitures due or owing to the City, and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue and remain unaffected by this Charter.

157. *Submission of Charter Amendments.* — Nothing herein contained shall be construed as preventing the submission to the people of more than one Charter amendment or measure at any one election.

158. *Reservation of Power.*—The power to supersede any law

of this State, now or hereafter in force, insofar as it applies to local or municipal matters, shall be reserved to the City, acting by ordinance.

DONE IN CONVENTION, at the Council Chamber in the City Hall in the City of Colorado Springs, Colorado, this twentieth day of March, in the year of our Lord one thousand nine hundred and nine, and of the Independence of the United States of America, the one hundred and thirty-third.

IN WITNESS WHEREOF, We have hereunto subscribed our names.

HARRY H. SELDOMRIDGE,
President.
JAMES J. EUBANK,
Vice-President,
EDWARD C. SHARER,
Secretary,
WILLIAM M. BANNING,
JACOB BISHOFF,
WILLARD N. BURGESS,
FRANK F. CASTELLO,
WILLIAM J. CHINN,
THOS. J. FISHER,
JOSEPH B. FOWLER,
M. C. GILE,
OLIVER P. GRIMES,
HENRY C. HALL,
JOHN M. HARNAN,
HENRY W. HOAGLAND,
P. M. KISTLER,
HORACE G. LUNT,
THOMAS F. McCAFFERY,
MYER S. RAFIELD,
WILLIAM H. SPURGEON,
EDGAR J. ULLRICH.

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TO

COLORADO SPRINGS CHARTER

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